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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,506	01/10/2002	Laurence E. Holt	1044.013US1	8136

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EXAMINER

TRAN, MAI T

ART UNIT PAPER NUMBER

2121

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,506

Applicant(s)

HOLT, LAURENCE E.

Examiner

Mai T. Tran

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/10/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is responsive to application 09/683506, filed January 10, 2002.

Claims **1-20** have been examined.

Claim Objections

Claims **9 and 12-13** are objected to because of the following informalities: the claim tree dependency has not been preserved. Claims **5, 7, and 12-13** are identical. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims **1-20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-13

The language of the claims raises a question as to whether the claims are directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C 101. While the example can be trivial, nonetheless, such claims can be implemented using paper and

pencil. Moreover, the method claimed is not concrete since it requires the involvement of a human being for "*learning*" which therefore construes a lack of concreteness in the claims.

Claims 14-20

According to the MPEP, when nonfunctional descriptive material "*learning material*" is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. Such a result would exalt form over substance. Thus, nonstatutory "*learning material*" is not a computer component and it does not become statutory by merely recording it on a book. Moreover, one or more media claimed comprises a book and the protection for this type of work is provided under the copyright law.

To expedite a complete examination of the instant application, the claims rejected under 35 U.S.C. 101 as being non-statutory above are further rejected as set forth below in anticipation of applicant amending these claims to overcome the rejection under 35 U.S.C 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-3 and 5-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Taggart et al (U.S. PGPub 2003/0069872), hereinafter Taggart.

Claim 1

A method comprising:

dividing knowledge to be learned into a plurality of atoms, each atom being a quickly learned and combinable unit of the knowledge (page 3, left col., lines 22-24);
and,

arranging a plurality of payoffs of combinations of a sub-plurality of the plurality of atoms, each payoff yielding an insight into the knowledge directly unfounded in the plurality of atoms themselves (page 1, right col., lines 10-13).

Claim 2

The method of claim 1, further comprising devising a plurality of tests of the knowledge to be given periodically and repeatedly to reinforce the knowledge learned (page 3, right col., lines 1-7; page 6, left col., lines 20-33).

Claim 3

The method of claim 2, wherein each test is combined with a new atom of the plurality of atoms to be learned, to generate a new payoff of the plurality of payoffs to be learned when the test is given (page 2, left col., lines 45-54).

Claim 5

The method of claim 1, wherein each atom represents a real-world application of a unit of the knowledge (page 3, left col., lines 25-34).

Claim 6

The method of claim 1, wherein each atom does not include explanation of a unit of knowledge (page 3, left col., lines 35-37). Explanation of a unit of knowledge is considered not to be used for teaching at pre-school or kindergarten level.

Claim 7

The method of claim 1, wherein each payoff is designed to sustain interest in learning the knowledge (page 3, right col., lines 22-41). Combination of different instructional materials preserves the interest in learning.

Claim 8

A method comprising:

learning a number of atoms of a plurality of atoms into which knowledge has been divided, each atom being a quickly learned and combinable unit of the knowledge (page 3, left col., lines 22-24); and,

learning a payoff of a plurality of payoffs, the payoff being a combination of the number of atoms and yielding an insight into the knowledge directly unfounded in the number of atoms themselves (page 1, right col., lines 10-13).

Claim 9

The method of claim 7, further comprising repeatedly being tested of the number of atoms and the payoff with one or more tests of the knowledge, to reinforce the knowledge learned (page 3, right col., lines 1-7; page 6, left col., lines 20-33).

Claim 10

The method of claim 8, further comprising repeating learning the number of atoms, learning the payoff, and repeatedly being tested, with a new number of atoms and a new payoff (page 6, left col., lines 42-61).

Claim 11

The method of claim 8, wherein each test is combined with a new atom of the plurality of atoms to be learned, to generate a new payoff of the plurality of payoffs to be learned when the test is given (page 2, left col., lines 45-54).

Claim 12

The method of claim 7, wherein each atom represents a real-world application of a unit of the knowledge (page 3, left col., lines 25-34).

Claim 13

The method of claim 7, wherein each payoff is designed to sustain interest in learning the knowledge (page 3, right col., lines 22-41). Combination of different instructional materials preserves the interest in learning.

Claim 14

An article of manufacture comprising:
one or more media (page 2, right col., lines 20-22, page 3, left col., line 53, page 7, left col., lines 50-53); and,
learning material in the media to perform a method comprising:
teaching a number of atoms of a plurality of atoms into which knowledge has been divided, each atom being a quickly learned and combinable unit of the knowledge (page 3, left col., lines 22-24); and,

teaching a payoff of a plurality of payoffs, the payoff being a combination of the number of atoms and yielding an insight into the knowledge directly unfounded in the number of atoms themselves (page 1, right col., lines 10-13).

Claim 15

The article of claim 14, wherein the method further comprises repeated testing the number of atoms and the payoff with one or more tests of the knowledge, to reinforce the knowledge learned (page 3, right col., lines 1-7).

Claim 16

The article of claim 14, wherein the one or more media comprises a book (page 3, left col., line 53).

Claim 17

The article of claim 14, wherein the one or more media comprises an Internet web site (page 2, right col., lines 20-22).

Claim 18

The article of claim 14, wherein the one or more media comprises an optical media on which the learning material is implemented as a computer program (page 7, left col., lines 50-53).

Claim 19

The article of claim 14, wherein each atom represents a real-world application of a unit of the knowledge (page 3, left col., lines 25-34), and does not include explanation of a unit of knowledge (page 3, left col., lines 35-37). Explanation of a unit of knowledge is considered not to be used for teaching at pre-school or kindergarten level.

Claim 20

The article of claim 14, wherein each payoff is designed to sustain interest in learning the knowledge (page 3, right col., lines 22-41). Combination of different instructional materials preserves the interest in learning.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taggart as applied to claims 1-3 and 5-20 above, and further in view of Boon (U.S. 6,022,221) hereinafter Boon.

Taggart teaches all claimed features (page 3, left col., lines 22-24), (page 1, right col., lines 10-13), (page 3, right col., lines 1-7; page 6, left col., lines 20-33). Taggart fails to teach a method wherein the tests are given with decreasing periodicity.

Boon teaches a method that the longer the user remembers an item, the less frequent the review of that item (col. 4, lines 52-67), (col. 5, lines 1-42). Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the applicant's invention to combine Taggart in view of Boon for the purpose of eliminating redundancy.

CONCLUSION

The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

1. L'Allier et al, U.S. Patent No. 6,039,575
2. Ferrell, U.S. Patent No. 6,285,993
3. Jarrow et al, U.S. Patent No. 6,539,269
4. Strub et al, U.S. Patent No. 6,652,287
5. "Using an instructional LAN to teach a statistics course", by J. Wesley Barnes, Frank J. Swehosky, and Manuel Laguna-Castillo, THE Journal (Technological Horizons in Education), v16, n2, p80, Sept, 1988.
6. "From The Editor: Managing Human Resources Is Vital For Successful Manufacturing", Manufacturing Automation, v3, n11, pN/A, August 1994.
7. "Vega: Vega Skillchange multimedia program helps to overcome IT services skills shortage", M2 Presswire, August 29, 2000.
8. "A Systematic approach to produce small courseware modules for combined learning and knowledge management environments", by Ines Grutzner, Niniek Angkasaputra, Dietmar Pfahl, SEKE 02, July 15-19, 2002, Ischia, Italy.

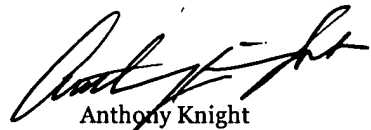
CORRESPONDENCE INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571) 272-4238. The examiner can normally be reached on M-F 9:00am-- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.T
Patent Examiner
Date: 2/16/2005


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